

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Cellular Directory Information, Inc.)	
)	
Petitioner,)	
)	
and)	FCC CCB: 92-105
)	
The United Way of America, et al.)	
)	
Respondents)	
)	

EX-PARTE MOTION FOR RECONSIDERATION
AND REASSIGNMENT OF 211

NOW COMES the Petitioner, Cellular Directory Information, Inc., with this Motion for Reconsideration and Reassignment of 211 (“the motion”), filed *ex-parte* before the Federal Communications Commission (“the Commission”).

Petitioner, Cellular Directory Information, Inc. (“CDI” or “the Petitioner”), hereby requests the Commission modify, alter, vacate, nullify, void, or otherwise amend its Third Report and Order on Reconsideration (66 FR 9674), as to reconsider the allocation of 2-1-1 given this petition.

Given that the Commission is obligated to act in the public interest, and assign or withhold permits based on convenience, interest, or necessity, Cellular Directory Information requests the commission stay the proceedings as to consider this petition for reconsideration and reassignment. (See, Regents of New Mexico College v Albuquerque Broadcasting Co. (1947, CA10 NM) 158 F2d 900; Mansfield Journal Co. (FM) v Federal Communications Com. (1950) 86 US App DC 102, 180 F2d 28) Any assignment or final order granting the Petition of the

1 United Way of America, et al (“the Petition”), in the absence of due consideration of this motion,
2 would be both arbitrary and capricious.

3 **WIRELESS DIRECTORY INFORMATION**

4 Petitioner, Cellular Directory Information, Inc., requests the Commission reallocate 211
5 for the purposes of a wireless directory information (“WDI”) service. A wireless directory
6 information service, as proposed by the Petitioner, is a service much like current 4-1-1 services
7 with one substantial distinction: the listings provided by (the proposed) WDI service would
8 provide callers with access to wireless telephone numbers. Currently, 4-1-1 only provides
9 landline residential and commercial telephone numbers.

10 The mobile industry has approximately 102 Million customers, with an average growth
11 rate of about twenty seven percent. Traditional telephone services (land-line) handle
12 approximately 186 Million telephone lines, with an annual growth rate at or about three percent.
13 (Trends in Telephone Service, *Industry Analysis Division of the Common Carrier Bureau*,
14 *August 2001*, Tables 12.1 and 8.1 respectively.) Given the above growth rates, the number of
15 wireless telephones will exceed its landline counterpart by 2004, yet there is no comprehensive
16 directory listing for wireless numbers.

17 The public interest is significantly served by creating a wireless directory information
18 service. Law enforcement officials would have easier access to, and could identify better, the
19 names and addresses of individuals calling from wireless telephones. Additionally, the flow of
20 commerce would be substantially improved with the availability of mobile listings; typical
21 families could also collaborate and communicate easier as well. A mobile-telephone listing
22 service would have an added safety benefit as drivers would not have to read from an address
23 book to locate the wireless number of the individual they wish to contact.

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2 Given the above, Cellular Directory Information dynamically opposes the allocation of 2-
3 1-1 for Information and Referral (“I&R”) services. CDI has no doubt on the necessity for a
4 nationwide call center to answer so-called I&R related questions, and encourages the creation of
5 such a service – using a toll-free “800 number”. It is highly unlikely that the general public
6 would commonly and regularly use the service proposed by the United Way, et al. and United
7 Way, et al, have failed their obligation to establish the general public interest (as there is no
8 overarching need) of such a service to the extent that it yields an abbreviated dialing code. The
9 named applications for a 211 WDI service, in combination with the anticipated regular and
10 common access of a WDI service, substantially outweigh the proposals of the United Way.

11 **The Administrative Procedure Act**

12 This petition is filed in accordance with 5 USC §551 et seq. Whereas Cellular Directory
13 Information is a person, as defined by 5 USC §551(2), CDI hereby submits this filing under 5
14 USC §553(c) and 5 USC §553(e). Cellular Directory Information further requests the
15 Commission comply with the above referenced clauses and give full and due consideration to
16 this motion. In National Small Shipments Traffic Conference, Inc. v Interstate Commerce Com.
17 (1984) 233 App DC 336, 725 F2d1442 the court held that persons affected by rulemaking have a
18 legal right to be heard prior to the enactment of a final decision. Additionally, it is well
19 established that providing an opportunity to be heard is fundamental to basic fairness. The
20 intention of 5 USC §553 was to ensure agencies are fully aware of all issues prior to generating
21 rules and regulations. (See, United Church Bd. for World Ministries v SEC (1985, DC Dist Col)
22 617 F Supp 837, CCH Fed Secur L Rep P 92286, later proceeding (DC Dist Col) 649 F Supp
23 492; Cerro Metal Products v Marshall (1979, ED Pa) 467 F Supp 869, affd (CA3 Pa) 620 F2d
24 964, 29 FR Serv 2d 828.)

1 When the Commission first initiated Common Carrier Bureau / Network Services
2 Division docket number 92-105 (“the matter”), it was regarding the general use and assignment
3 of N11 codes. Accordingly, the Commission entered its first Notice of Proposed Rulemaking. It
4 is the contention of Cellular Directory Information that the Commission has the authority to
5 reverse its Third Order and authorize this Petition, thereby allocating 2-1-1 to Cellular Directory
6 Information for the purposes of a wireless directory information service. The proposal of using
7 an N11 code for the purposes of a wireless directory information would be a “logical outgrowth”
8 of the original issue. Hence, the Commission is authorized to enter a final regulation materially
9 different than its proposed regulations and Third Order, granting this petition. (See, Natural
10 Resources Defense Council, Inc. v Thomas (1988, App DC) 838 F2d 1224.)

11 **CONCLUSION**

12 WHEREFORE, the above stated reasons, Cellular Directory Information hereby requests
13 the Commission grant this petition for reconsideration, and reallocate 2-1-1 to Cellular Directory
14 Information for the purposes of a wireless directory information service.

15 Cellular Directory Information further requests the Commission hold a hearing in regard
16 to the above, at a time, date, and location, so determined by the Commission.

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18
19 Dated this 12th day of February, 2002

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22 _____
23 Eric James Glazier, Co-CEO
24 Cellular Directory Information
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CERTIFICATE OF SERVICE

1 I, **Eric J. Glazier**, hereby affirm that I have sent a copy of the foregoing motion to the following
2 individuals this **20th** day of **February, 2002**.

3
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Eric J. Glazier

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